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6 Attorneys for Defendants  
7 CAPITAL BENEFIT, INC., MARCEL BRUETSCH,  
ROBERT V. WILLIAMS, TRUSTEE OF THE  
8 WILLIAMS FAMILY TRUST DATED SEPTEMBER 17, 1999,  
WALTRAUD M. WILLIAMS, TRUSTEE OF THE WILLIAMS  
9 FAMILY TRUST DATED SEPTEMBER 17, 1999  
and RICHARD WESTIN

10

11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 REGINALD and RHONDA  
14 DRAKEFORD, husband and wife,

15 Plaintiffs,

16 vs.

17 CAPITAL BENEFIT, INC., a California  
company; MARCEL BRUETSCH, an  
individual; ROBERT V. and  
18 WALTRAUD M. WILLIAMS,  
individually and as Trustees of the  
Williams Family Trust; RICHARD  
19 WESTIN, an individual, DOES 1 to 10,  
inclusive,

20 Defendants.

CASE NO. 20-cv-04161-WHO  
Honorable Judge William H. Orrick

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22 **DEFENDANTS' SUPPLEMENTAL  
SPECIAL JURY INSTRUCTION  
NO. 28**

23 Trial Date: March 22, 2022

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28  
AND COUNTERCLAIM

1 Defendants Capital Benefit, Inc., Marcel Bruetsch, Robert V. Williams,  
2 Trustee of the Williams Family Trust Dated September 17, 1999, Waltraud M.  
3 Williams, Trustee of the Williams Family Trust Dated September 17, 1999, and  
4 Richard Westin (collectively “Defendants”) hereby submit Defendants Special Jury  
5 Instruction No. 28 which is attached hereto.

6 Plaintiffs failed to file the attached jury instruction with the Proposed Jury  
7 Instructions filed on March 14, 2022 (Dkt. 92).

8  
9  
10 DATED: March 15, 2022

BUCHALTER  
A Professional Corporation

11  
12 By: /s/ Jason E. Goldstein

13 JASON E. GOLDSTEIN  
14 Attorneys for Defendants  
15 CAPITAL BENEFIT, INC.; MARCEL  
16 BRUETSCH; ROBERT V. WILLIAMS,  
17 TRUSTEE OF THE WILLIAMS  
18 FAMILY TRUST DATED  
SEPTEMBER 17, 1999;  
WALTRAUD M. WILLIAMS,  
TRUSTEE OF THE WILLIAMS  
FAMILY TRUST DATED  
SEPTEMBER 17, 1999; and RICHARD  
WESTIN

Defendants' Special Jury Instruction No. 28  
Definition of Sole Proprietorship

Investments and Rhonda Drakeford are the same legal entity. Reginald Drakeford does business as Tekdragon Network Solutions, a sole proprietorship. Therefore, Tekdragon Network Solutions and Reginald Drakeford are the same legal entity. A designation that an individual is conducting business under a fictitious business name “indicates he [or she] is a sole proprietor who is doing business under the fictitious business name.”

Authority: *Century Surety Co. v. Polisso* (2006) 139 Cal.App.4th 922, 940

**Plaintiffs' Objection:**

The proposed instruction is irrelevant to any issue in the case and likely to cause jury confusion. The fact that Plaintiffs operate their businesses as sole proprietorships has no bearing on whether the loan was for business versus consumer purposes.

## CERTIFICATE OF SERVICE

I am employed in the County of Los Angeles , State of California. I am over the age of 18 and not a party to the within action. My business address is at BUCHALTER, A Professional Corporation, 1000 Wilshire Boulevard, Suite 1500, Los Angeles, CA 90017 and my email address is [emedrano@buchalter.com](mailto:emedrano@buchalter.com).

I hereby certify that on March 15, 2022, a true copy of the foregoing document described as:

**DEFENDANTS' SUPPLEMENTAL SPECIAL JURY INSTRUCTION  
NO. 28**

was served on all other parties and/or their attorney(s) of record to this action as follows:

Peter B. Fredman  
Email: [peter@peterfredmanlaw.com](mailto:peter@peterfredmanlaw.com)  
Law Office of Peter Fredman PC  
2930 Domingo Ave., Ste 227  
Berkeley, CA 94705

*Attorneys for Plaintiffs, Reginald and Rhonda Drakeford*

Joseph Elford  
Email: [joeelford@yahoo.com](mailto:joeelford@yahoo.com)

*Attorney for Plaintiffs, Reginald and Rhonda Drakeford*

**BY ELECTRONIC SERVICE** I certify that by electronically filing the document(s) with the Court using CM/ECF system, that all participants in the case are registered as CM/ECF users and that service will be accomplished by the CM/ECF system.

I certify that I am employed in the office of a member of the bar of this court.

Executed on March 15, 2022 at Los Angeles, California.

Ely Medrano

/s/ - Ely Medrano  
(Signature)